

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

FRANKENTEK RESIDENTIAL	:	
SYSTEMS, LLC,	:	
	:	CIVIL ACTION NO. 2:12-cv-00767-AB
Plaintiff,	:	
v.	:	
REID BUERGER et al.,	:	
	:	
Defendants.	:	

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FRANKENTEK RESIDENTIAL	:	
SYSTEMS, LLC,	:	
	:	CIVIL ACTION NO. 2:12-cv-00768-AB
Plaintiff,	:	
v.	:	
ALAN BUERGER et al.,	:	
	:	
Defendants.	:	

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FRANKENTEK RESIDENTIAL	:	
SYSTEMS, LLC,	:	
	:	CIVIL ACTION NO. 2:12-cv-03505-AB
Plaintiff,	:	
v.	:	
REID BUERGER et al.,	:	
	:	
Defendants.	:	

**DEFENDANTS' AMENDED EXHIBIT LIST**

Pursuant to the Court's Scheduling Order dated April 22, 2014, the following is Defendants' Amended Exhibit List. Defendants have amended their original Exhibit List solely to address several individual objections raised in Plaintiff's Objections to Defendants' Exhibit List (*see* D-17, D-36, D-49, D-50), which was filed on May 28, 2014.

Ex. No.	Date	Description	Bates Range
D-1	12/30/09 10/1/10	All unpaid Stenton invoices, with corresponding labor reports (2 invoices)	A copy of this exhibit is being provided under separate cover
D-2	8/23/10 10/1/10	All unpaid Harner invoices, with corresponding labor reports (2 invoices)	A copy of this exhibit is being provided under

<b>Ex. No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>
			separate cover
D-3	7/21/10 – 11/17/10	All unpaid Mathers invoices, with corresponding labor reports (23 invoices)	A copy of this exhibit is being provided under separate cover
D-4	7/14/10 – 11/17/10	All unpaid Bayberry invoices, with corresponding labor reports (14 invoices)	A copy of this exhibit is being provided under separate cover
D-5	6/11/10 – 12/30/10	All unpaid Bahamas invoices, with corresponding labor reports (21 invoices)	A copy of this exhibit is being provided under separate cover
D-6	11/2/10 – 1/13/11	All unpaid WGH invoices, with corresponding labor reports (3 invoices)	A copy of this exhibit is being provided under separate cover
D-7	6/10/10 – 10/7/10	All unpaid Parc invoices, with corresponding labor reports (6 invoices)	A copy of this exhibit is being provided under separate cover
D-8	12/30/09 – 4/15/10	Paid Harner labor invoices, with corresponding labor reports (2 invoices)	A copy of this exhibit is being provided under separate cover
D-9	3/16/10 – 6/29/10	Paid Mathers labor invoices, with corresponding labor reports (10 invoices)	A copy of this exhibit is being provided under separate cover
D-10	3/26/10 – 5/26/10	Paid Bayberry labor invoices, with corresponding labor reports (7 invoices)	A copy of this exhibit is being provided under separate cover
D-11	2/19/10 – 10/12/10	Paid Bahamas labor invoices, with corresponding labor reports (17 invoices)	A copy of this exhibit is being

Ex. No.	Date	Description	Bates Range
			provided under separate cover
D-12	11/23/09 - 10/12/10	Paid WGH labor invoices, with corresponding labor reports (18 invoices)	A copy of this exhibit is being provided under separate cover
D-13	12/30/09 to 10/14/10	Paid Parc labor invoices, with corresponding labor reports (10 invoices)	A copy of this exhibit is being provided under separate cover
D-14	3/16/10 – 6/29/10	All paid Mathers invoices, with corresponding labor reports (23 invoices) <sup>1</sup>	A copy of this exhibit is being provided under separate cover
D-15	7/1/08 – 6/8/10	All paid Bayberry invoices, with corresponding labor reports (24 invoices) <sup>2</sup>	A copy of this exhibit is being provided under separate cover
D-16	4/13/09 9/1/09 9/2/09 9/3/09	Miscellaneous 2009 invoices	DEF8507-08 DEF008510 DEF008571-72 DEF008573-74 DEF008747
D-17	2/8/10 - 10/12/10	Paid Bahamas invoices issued in 2010 (11 invoices)	A copy of this exhibit is being

<sup>1</sup> Defendants are not marking as exhibits the respective proofs of payment with respect to these invoices because Plaintiff and Defendants have agreed to enter into a stipulation agreeing for purposes of the trial that all of these invoices have been paid in the collective amount of \$596,572.39. To the extent that, for any reason, the parties are unable or unwilling to execute a stipulation of fact to that effect, Defendants reserve the right to mark the respective proofs of payment as exhibits.

<sup>2</sup> Defendants are not marking as exhibits the respective proofs of payment with respect to these invoices because Plaintiff and Defendants have agreed to enter into a stipulation agreeing for purposes of the trial that all of these invoices have been paid in the collective amount of \$823,848.41. To the extent that, for any reason, the parties are unable or unwilling to execute a stipulation of fact to that effect, Defendants reserve the right to mark the respective proofs of payment as exhibits.

Ex. No.	Date	Description	Bates Range
			provided under separate cover
D-18	11/16/10	Commercial Shipping Invoice	DEF008768
D-19	12/1/05	"Agreement between Frankentek, Inc. and the Buerger Family"	Ex.Q-006-08
D-20	8/29/06	"Agreement" between Alan and Connie Buerger and Frankentek, Inc.	Ex.Q-005
D-21	3/6/09	Email from Mike Pavluk to miscellaneous Frankentek Residential Systems, LLC ("Frankentek") employee recipients, cc: Marc Franken	Ex.P-4229
D-22	6/24/09 – 6/25/09	Email chain between Dan Welte and Mike Pavluk, and between Mike Pavluk and Reid Buerger	DEF002234-37
D-23	7/9/09	Email from Dan Welte to Mike Pavluk, email from Mike Pavluk to Scott Sprague and Marc Franken, and email from Marc Franken to Mike Pavluk	Ex.Z-054-55
D-24	8/11/09	Email chain between Dan Welte and Fred at Cape Atlantic PM	DEF002760
D-25	12/1/09 – 12/2/09	Emails from Mike Pavluk to Marc Franken and Paula Endt	Ex.S-021-22
D-26	12/1/09	Email from Mike Pavluk to Marc Franken and Paula Endt, with attachment	Ex.S-025-26
D-27	1/3/10 – 4/18/10	2010 Frankentek Weekly Time Sheets for Rick Stewart	Ex. K-945-62
D-28	1/3/10	Email from Mike Pavluk to Marc Franken, Paula Endt, Scott Sprague, Richard Baker, Rick Stewart and Ryan Pollitt, cc: Chuck Lanholm	Ex.W-068
D-29	1/4/10 – 4/18/10	2010 Frankentek Weekly Time Sheets for Mike Redpath	Ex.K-614-56
D-30	1/7/10 – 1/8/10	Email chain among Mike Pavluk, Reid Buerger, and Dan Welte	DEF006060-63

<b>Ex. No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>
D-31	1/11/10	Email chain between Dan Welte and Mike Pavluk	DEF006084
D-32	1/11/10	Email chain between Dan Welte and Mike Pavluk	DEF006087-88
D-33	1/30/10	Email from Mike Pavluk to Paula Endt, cc: Marc Franken	Ex.P-4060
D-34	2/5/10	Email from Paula Endt to Antonio Muniz and Stephanie Baillie, cc: Mike Pavluk	Ex.U-275
D-35	2/5/10	Email from Paula Endt to Mike Pavluk	Ex.P-4058
D-36	2/11/10 – 2/16/10	Email chain between Mike Pavluk and Connie Buerger with attachments	Ex.U-001, 048-50
D-37	3/23/10	Email from Ryan Alligood to miscellaneous recipients, and email from Mike Pavluk to Paula Endt, Richard Baker, Rick Stewart, Mike Redpath, and Anthony Mastropiero, cc: Marc Franken and Scott Sprague	Ex.W-058
D-38	7/6/10	Email chain between Mike Pavluk and Reid Buerger, cc: Dan Welte	Ex.E-026-27
D-39	7/28/10	Email chain between Mike Pavluk and Anthony Mastropiero	Ex.N-1022
D-40	7/28/10	Email from Mike Pavluk to Dan Welte	Ex.P-5600
D-41	8/5/10	Email chain between Mike Pavluk and Dan Welte, cc: Anthony Mastropiero	Ex.P-5616
D-42	8/4/10	Email chain between Mike Pavluk and Anthony Mastropiero	Ex.P-5613-14
D-43	8/8/10	Emails between Mike Pavluk, Reid Buerger, and Dan Welte	Ex.P-5618
D-44	8/17/10	Email from Reid Buerger to Mike Pavluk and Anthony Mastropiero, cc: Dan Welte and Krista Lake	Ex.P-5634

Ex. No.	Date	Description	Bates Range
D-45	9/14/10	Email chain between Anthony Mastropiero and Mike Pavluk	Ex.Z-233-34
D-46	9/23/10	Email from Anthony Mastropiero to Mike Pavluk	Ex.X-052-53
D-47	11/3/10 – 12/15/10	Sample Frankentek “time by job detail” reports	Ex. K-1779-94
D-48	10/4/10	Email from Connie Buerger to Mike Pavluk	Ex.E-032
D-49	10/16/10	Email between Amy Murphy and Connie Buerger, emails between Connie Buerger and Reid Buerger, and emails between Reid Buerger and Mike Pavluk	Ex.B-017-18 Ex.D-971-975, Ex.K-087-089
D-50	11/3/10	Email from Dan Welte to Mike Pavluk	Ex.P-5693-5695
D-51	11/11/10 - 11/12/10	Email chain between Reid Buerger and Mike Pavluk	Ex.P-5696-97
D-52	11/13/10 - 11/15/10	Email chain between Reid Buerger and Andrew Brecher	DEF007739-40
D-53	11/16/10	Email chain between Andrew Brecher and Mike Pavluk	DEF007745
D-54	11/16/10	Email chain between Mike Pavluk and Reid Buerger	Ex.P-5701
D-55	11/16/10 - 11/17/10	Email chain between Andrew Brecher and Mike Pavluk	DEF007761-62
D-56	11/16/10 - 11/18/10	Email chain between Andrew Brecher and Mike Pavluk	DEF007795-97
D-57	12/6/10	Email chain among Reid Buerger, Andrew Brecher, Dan Welte, cc: Krista Lake	DEF007916-17
D-58	12/15/10 1/6/11	ProAutomated Inc. Invoice #6463, and related proof of payment	DEF008805-06
D-59	2/11/11	Transcript from the arbitration captioned at <i>In re: Frankentek Residential Systems, LLC v. 4301 Bayberry Drive, LLC, Case No. 18 473 00069 11</i>	DEF008824-94
D-60	2/18/11	Letter from Michael Pavluk to Alan and Constance	Ex.J-002-03

Ex. No.	Date	Description	Bates Range
		Buerger	
D-61	3/3/11 4/7/11	ProAutomated Inc. Statement of Account for March 2011, and related proof of payment	DEF008807-08
D-62	3/20/11	Pro Automated AMX Programming Project Quote re: Mathers	DEF008769-72
D-63	3/20/11	Pro Automated AMX Programming Project Quote re: Bayberry	DEF008786-88
D-64	4/25/11 4/27/11 5/18/11	ProAutomated Inc. Invoice #6770 and Statement of Account from April 2, 2011 to April 24, 2011, and related proof of payment	DEF008809-11
D-65	5/11/11 5/25/11 6/13/11	ProAutomated Inc. Invoice #6827 and Statement of Account from April 24, 2011 to May 24, 2011, and related proof of payment	DEF008812-15
D-66	5/11/11 6/1/11 6/24/11 7/15/11	ProAutomated Inc. Invoice #6868, Invoice #6923, and Statement of Account from May 25, 2011 to June 25, 2011, and related proof of payment	DEF008816-19
D-67	5/11/11 7/25/11 8/16/11	ProAutomated Inc. Invoice #7009 and Statement of Account from June 26, 2011 to July 24, 2011, and related proof of payment	DEF008820-23
D-68	1/22/13	Frankentek's Verified Responses to Defendants' First Set of Interrogatories	
D-69	5/28/13	Frankentek's Objections and Responses to Defendants' First Request for Production of Documents	
D-70	7/11/13	Complete Security Systems, Inc. correspondence re: Mathers	DEF008775-81
D-71	7/11/13	Complete Security Systems, Inc. correspondence re: Bayberry	DEF008791-99
D-72	7/29/13	Concate Technologies, Inc. correspondence re: Mathers	DEF008782

<b>Ex. No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>
D-73	7/29/13	Concate Technologies, Inc. correspondence re: Bayberry	DEF008804
D-74	8/2/13	ProAutomated Lutron Estimate re: Mathers	DEF008773-74
D-75	8/2/13	ProAutomated Lutron Estimate re: Bayberry	DEF008789-90
D-76	8/5/13	Blue Code Network & Computer Solutions Estimate re: Mathers	DEF008783-85
D-77	8/5/13	Blue Code Network & Computer Solutions Estimate re: Bayberry	DEF008800-03
D-78	8/16/13	Declaration of Marc Franken relating to Frankentek's Motion for Summary Judgment	
D-79	9/16/13	Declaration of Marc Franken relating to Frankentek's Reply Brief in Support of Motion for Summary Judgment	
D-80	9/16/13	Declaration of Mike Pavluk relating to Frankentek's Reply Brief in Support of Motion for Summary Judgment	
D-81		Frankentek's 2009 financial spreadsheet	Ex.K-590-92
D-82		Frankentek's 2009 Financial Statements and Accountants' Compilation Report	Ex.K-5876-89
D-83		Frankentek's 2009 Profit and Loss Statements	Ex.K-5527-28
D-84		Frakentek, Inc.'s 2009 Profit and Loss Statement	Ex.K-5529
D-85		Frankentek's 2009 U.S. Tax Returns	Ex.K-5575-89
D-86		Frankentek, Inc.'s 2009 U.S. Tax Returns	Ex.K-5590-5607
D-87		Frankentek's 2010 financial spreadsheet	Ex.K-593-95
D-88		Frankentek's 2010 Profit and Loss Statements	Ex.K-5530-31
D-89		Frankentek, Inc.'s 2010 Profit and Loss Statement	Ex.K-5532
D-90		Frankentek's 2010 U.S. Tax Returns	Ex.K-5541-55



<b>Ex. No.</b>	<b>Date</b>	<b>Description</b>	<b>Bates Range</b>
D-91		Frankentek, Inc.'s 2010 U.S. Tax Returns	Ex.K-5556-74
D-92		Frankentek General Ledger 2006	Ex.K-9695-10313
D-93		Frankentek General Ledger 2007	Ex.K-8861-9694
D-94		Frankentek General Ledger 2008	Ex.K-8048-8860
D-95		Frankentek General Ledger 2009	Ex.K-7125-8047
D-96		Frankentek General Ledger 2010	Ex.K-5954-7124
D-97		Watchdog Audit Report	DEF008751-60
D-98		Frankentek Audit - Mathers Road Summary	DEF008761
D-99		Chart re: Mathers AMX Labor	DEF008899-8902
D-100		Chart re: Bayberry AMX Labor	DEF008903-06

Defendants hereby incorporate by reference and reserve the right to rely upon and introduce in their presentation of their defense to Frankentek's claims, their presentation of their counterclaims against Frankentek, and/or on rebuttal, the exhibits identified in Frankentek's exhibit list (if and as amended) and any other exhibit that the Court permits Frankentek to use, including, without limitation, for purposes of rebuttal or impeachment, without the waiver of any objections to the relevance and/or admissibility of any such exhibit. Defendants intend to rely upon and introduce in their presentation of their defense to Frankentek's claims, their presentation of their counterclaims against Frankentek, and/or for purposes of rebuttal or impeachment demonstrative and/or summary evidence (including, without limitation, enlargements, excerpts, charts, summaries, graphics, etc.) derived from the exhibits listed above or the exhibits identified in the preceding sentence. Finally, Defendants also reserve the right to rely upon and introduce any documents produced by either Plaintiff or Defendants pursuant to discovery in this action and reserve the right to amend this list up through and including the time of trial.

Respectfully submitted,

COZEN O'CONNOR

/s/ F. Warren Jacoby

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*Attorneys for Defendants*

Dated: June 2, 2014

**CERTIFICATE OF SERVICE**

The undersigned certifies that copies of the foregoing Defendants' Amended Exhibit List was served today via electronic mail, as follows:

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By: /s/ Chad Kurtz  
Chad Kurtz

Dated: June 2, 2014